

OPEN COURT

CENTRAL ADMINISTRATAIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 20th day of October 2008.

Original Application No. 220 of 2004

Hon'ble Mr. A. K. Gaur, Member (J)

Ashok Narain Tiwari, S/o late Sri M.P. Tiwari, R/o 447/132/3 Alopibagh, Allahabad.

. . . Applicant

By Adv: Sri M. Chaturvedi and Sri S.N. Pandey

V E R S U S

1. Union of India through the Comptroller and Audit General of India, 10 Bahadur Shah Zafar Marg, New Delhi.
2. Principal A.G. (A) I UP Allahabad.
3. Sr. D.A.G. (Administration) Office of P.A.G. (A) I, UP, Allahabad.

. . . Respondents

By Adv: Sri Amit Sthalekar

O R D E R

By means of this OA the applicant has claimed interest over the amount of Rs. 8200/- already recovered from his pay and gratuity towards House Building Advance in excess.

2. The applicant retired from service on 31.10.1992 after attaining the age of superannuation. A sum of Rs. 24500/- was paid to the applicant towards House Building Advance while he was in service.

3. The grievance of the applicant is that the respondents had recovered a sum of Rs. 1731/- in

excess towards House Building Advance from his pay.

The applicant had lodged a number of complaints with regard to arbitrary deduction from his pay and gratuity. According to the entire amount of House Building Advance was already recovered from him by the respondents. Subsequently, a sum of Rs. 6469/- was recovered from the gratuity of the applicant after his retirement. He filed several representations for refunding the excess amount already recovered from him alongwith interest but all in vain.

4. In the reply filed by the respondents it is submitted that the excess recovered amount of Rs. 8200/- was paid to the applicant vide bill No. 692 (4) of October, 1995 and there is no provision in the Government rules for paying interest on the excess amount recovered towards of House Building Advance. It is further submitted by the respondents that the amount recovered under the old insurance scheme was refunded to the applicant in the year 1995.

5. Shri S.N. Pandey learned counsel for the applicant argued that no doubt the recovered amount has been refunded to the applicant in the year 1995, but without any interest. He submitted that ends of justice would be met if a direction is given to the respondents to pay interest on the recovered amount on excess amount recovered from the applicant upto 1995.

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6. Having heard learned counsel for the parties at length I am firmly of the view that the respondents have illegally recovered a sum of Rs. 8200/- from the applicant in excess towards House Building Advance. Although the said amount has been refunded to the applicant in October, 1995, but the respondents cannot avoid their liability for payment of interest on the ground of no fault of the applicant. Accordingly, I hereby direct the respondents to calculate and pay the interest to the applicant at the rate of 9% per annum on the amount already recovered in excess from the applicant upto October, 1995, within a period of three months from the date of receipt of a copy of this order.

7. In view of the aforesaid the OA is disposed of.
No cost.

Anil Gaur
(A.K. Gaur)
Member (J)

/pc/